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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,396	07/29/2003	Hiroto Nishida	35966	7220
116	7590	11/01/2005	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			CAO, ALLEN T	
			ART UNIT	PAPER NUMBER
			2652	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,396

Applicant(s)

NISHIDA ET AL.

Examiner

Allen T. Cao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 3-12 and 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/8/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 3-12 and 15-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claims, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/8/05.

2. Applicant's election without traverse of Group I, claims 1-2 and 13-14 in the reply filed on 8/8/05 is acknowledged.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by EP (0936609 A2).

EP ('609) discloses an optical disk driving apparatus for selectively driving a plurality of optical disks D each having a central axis, comprising: a housing including a front plate having a loading slot formed therein (figure 1); and an optical disk driving unit 1 accommodated in said housing, said optical disk driving unit including: a turntable 520 for selectively retaining said optical disks; a supporting member 510 for rotatably supporting said turntable; a base plate 420 pivotably retained by said housing; a plurality of trays 110 for respectively accommodating said optical disks D under the state that said central axis of each of said optical disks are in parallel relationship with one another (figure 3); and a plurality of vibration isolators 511 each having a central axis, and adapted to isolate said supporting member 510 from outside vibrations by intervening between said supporting member 510 and said base plate 420, said

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vibration isolators 511 being disposed on said base plate 420 under the state that said central axis of each of said vibration isolators is in parallel relationship with central axis of each of said optical disks accommodated in said trays (figures 2 and 3 show that the axis of the dampers 511 are parallel with the central axis of the magazine holder 210 which holds the magazine 100 containing disks D and all (magazine holder, disks, magazine and dampers) have a parallel central axis with respect to each other, as set forth in claim 13.

Regarding claim 14, EP ('609) also inherently discloses that the base plate is pivotally moved with respect to the housing under the state that the central axis of the turntable is substantially in perpendicular relationship with the central axis of the optical disk inserted toward the trays through the loading slot of the front plate.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP ('609) in view of EP (0980072 A1).

EP ('609) discloses an optical disk driving apparatus for selectively driving a plurality of optical disks D each having a central axis, comprising: a housing including a front plate having a loading slot formed therein (figure 1); and an optical disk driving unit 1 accommodated in said housing, said optical disk driving unit including: a turntable 520 for selectively retaining said optical disks; a supporting member 510 for rotatably

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supporting said turntable; a base plate 420 pivotably retained by said housing; a plurality of trays 110 for respectively accommodating said optical disks D under the state that said central axis of each of said optical disks are in parallel relationship with one another (figure 3); and a plurality of vibration isolators 511 each having a central axis, and adapted to isolate said supporting member 510 from outside vibrations by intervening between said supporting member 510 and said base plate 420; a base plate driving mechanism for driving the base plate to pivotally move with respect to the housing as set forth in claim 1.

EP ('609) also discloses that the roller for transmitting a rotation torque to each of the supporting member fixing mechanism and the base plate driving mechanism.

EP ('609) further inherently discloses that the base plate is pivotally moved with respect to the housing under the state that the central axis of the turntable is substantially in perpendicular relationship with the central axis of the optical disk inserted toward the trays through the loading slot of the front plate as recited in claim 2.

EP ('609) does not disclose that the cam gear transmits the rotation torque to each of the supporting member fixing mechanism and the base plate driving mechanism as recited in claim 1.

EP ('072) discloses an optical disk driving apparatus for selectively driving a plurality of optical disks 3 each having a central axis, having an optical disk driving unit including: a turntable 21 for selectively retaining said optical disks; and a plurality of vibration isolators 17. EP ('072) also discloses that the cam gear (13 and 14) transmits

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the rotation torque to each of the supporting member fixing mechanism and the base plate driving mechanism as recited in claim 1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the roller(s) of the optical driving apparatus of EP ('609) with a cam gear(s) as set forth, supra as taught by EP ('072).

The rationale is as follows: One of ordinary skill in the art would have been motivated to replace the roller(s) of the optical driving apparatus of EP ('609) with a cam gear(s) as set forth, supra as taught by EP ('072) through an obvious replacement well known parts in the art because cam gear(s) is well known parts in the optical driving apparatus art and both roller(s) and cam gear(s) are transmitted the rotation torque to each of the supporting member fixing mechanism and the base plate as claimed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen T. Cao whose telephone number is (571) 272-7569. The examiner can normally be reached on Mon (8am - 3pm), Tues (8am - 6pm), Weds (12pm - 6pm), and Thurs (12:30pm - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allen Cao
Primary Examiner

AC
October 24, 2005